

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Environmental Affairs, to which was referred Senate Bill No. 225, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Page 3, between lines 20 and 21, begin a new paragraph and insert:
- 2 "SECTION 4. IC 13-11-2-164 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 164. (a) "Political
- 4 subdivision", for purposes of IC 13-18-13, means:
- 5 (1) a political subdivision (as defined in IC 36-1-2);
- 6 (2) a regional water, sewage, or solid waste district organized
- 7 under:
- 8 (A) IC 13-26; or
- 9 (B) IC 13-3-2 (before its repeal July 1, 1996); ~~or~~
- 10 (3) a local public improvement bond bank organized under
- 11 IC 5-1.4; **or**
- 12 **(4) a regional onsite waste management district organized**
- 13 **under IC 13-26.5.**
- 14 (b) "Political subdivision", for purposes of IC 13-18-21, means:
- 15 (1) a political subdivision (as defined in IC 36-1-2);
- 16 (2) a regional water, sewage, or solid waste district organized
- 17 under:
- 18 (A) IC 13-26; or
- 19 (B) IC 13-3-2 (before its repeal July 1, 1996);
- 20 (3) a local public improvement bond bank organized under
- 21 IC 5-1.4;

- (4) a qualified entity described in IC 5-1.5-1-8(4) that is a public water utility described in IC 8-1-2-125; or
- (5) a conservancy district established for the purpose set forth in IC 14-33-1-1(a)(4).

(c) "Political subdivision", for purposes of IC 13-19-5, has the meaning set forth in IC 36-1-2-13 and includes a redevelopment district under IC 36-7-14 or IC 36-7-15.1.

SECTION 5. IC 13-11-2-201 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 201. "Sewage disposal system", for purposes of IC 13-18-12 **and IC 13-26.5**, means septic tanks, wastewater holding tanks, seepage pits, cesspools, privies, composting toilets, interceptors or grease traps, portable sanitary units, and other equipment, facilities, or devices used to:

- (1) store;
- (2) treat;
- (3) make inoffensive; or
- (4) dispose of;

human excrement or liquid carrying wastes of a domestic nature."

Page 3, line 33, delete "septic system or other onsite waste" and insert "**sewage disposal system**".

Page 3, delete line 34.

Page 4, line 5, delete "systems;" and insert "**systems that are no less stringent than standards established by the state department of health;**".

Page 4, line 11, delete "fees" and insert "**rates and charges**".

Page 4, between lines 27 and 28, begin a new line blocked left and insert:

"Enforcement of standards by a district under subdivision (4) does not affect the authority of the department or the state department of health."

Page 4, line 29, after "Sec. 1." insert "**(a)**".

Page 4, line 29, after "district" insert "**whose proposed territory is all or a part of the area of one (1) county**".

Page 4, line 29, delete "initiated:" and insert "**initiated only by the executive of the county**".

(b) The establishment of a regional district whose proposed territory is all or part of the areas of more than one (1) county may be initiated only upon agreement of the executives of all of the affected counties.

(c) A notice of intent to establish a district must be filed in:

- (1) the office of the executive of each governmental entity having territory within the proposed district;**

1 (2) the department; and

2 (3) the state department of health.

3 **Sec. 2. A notice of intent to establish a district under this**
4 **chapter must state the following:**

5 (1) The proposed name of the district.

6 (2) The place in which the district's principal office is to be
7 located.

8 (3) The following information:

9 (A) The need for the proposed district.

10 (B) The purpose to be accomplished.

11 (C) How the district will be conducive to the public health,
12 safety, convenience, or welfare,

13 (4) An accurate description of the territory to be included in
14 the district, which does not have to be given by metes and
15 bounds or by legal subdivisions.

16 (5) The plan for financing the cost of the operations of the
17 district until the district is in receipt of revenue from the
18 district's operations.

19 (6) Estimates of the following:

20 (A) The costs of accomplishing the purpose of the district.

21 (B) The sources of the funding of these costs.

22 (C) The rates and charges that will be required.

23 **Sec. 3. The district may include area that is not contiguous, but**
24 **the territory must be so situated that the public health, safety,**
25 **convenience, or welfare will be promoted by the establishment of**
26 **the area described as a single district.**

27 **Sec. 4. The description of the area to be included in a district**
28 **may not include area in a municipality that has, by ordinance or**
29 **resolution filed with the county or counties establishing the district,**
30 **exercised the option not to be included in the district.**

31 **Sec. 5. Upon the filing of a notice of intent to establish a district**
32 **under this chapter, the county executive shall appoint a hearing**
33 **officer to preside over hearings concerning the establishment of a**
34 **district. The hearing officer does not have to be a state or county**
35 **employee. If the hearing officer is not a full-time state or county**
36 **employee, the hearing officer is entitled to be paid reasonable:**

37 (1) expenses; and

38 (2) per diem;

39 **for each day or part of a day in actual attendance at a meeting or**
40 **hearing or in performance of duties.**

41 **Sec. 6. (a) The hearing officer shall fix a time and place inside or**
42 **within ten (10) miles of the proposed district for the hearing on any**

1 matter for which a hearing is authorized under this chapter.

2 (b) The hearing officer shall provide notice of the hearing as
3 follows:

4 (1) By publication of notice at least two (2) weeks before the
5 hearing in a newspaper of general circulation in each of the
6 counties that has territory within the proposed district.

7 (2) By certified mail, return receipt requested, mailed at least
8 two (2) weeks before the hearing to the department and the
9 state department of health.

10 (3) By posting a copy of the notice at the principal office of the
11 public agency holding the meeting or, if no such office exists,
12 at the building where the hearing is to be held at least
13 forty-eight (48) hours before the hearing.

14 Sec. 7. A person that resides in or partially resides in an area
15 affected by the establishment of a district:

16 (1) may, on or before the date set for the hearing, file a
17 written objection to the establishment of the district; and

18 (2) may be heard at the hearing.

19 Sec. 8. (a) After the hearing on the establishment of the
20 proposed district, which may be adjourned periodically, the
21 hearing officer shall make findings and recommendations as to
22 whether the establishment of the district should be:

23 (1) approved;

24 (2) approved with modifications; or

25 (3) denied.

26 (b) The hearing officer shall consider, at a minimum, the
27 following in making findings and recommendations concerning the
28 establishment of a proposed district:

29 (1) Whether the proposed district complies with the
30 conditions of this chapter for establishment of a district.

31 (2) Whether the proposed district appears capable of
32 accomplishing its purpose or purposes in an economically
33 feasible manner.

34 Sec. 9. (a) Following a hearing under this chapter, if:

35 (1) the executive of a county, if the area of the district will be
36 in that county, determines; or

37 (2) for a multiple county district, the executives of those
38 counties determine;

39 that the findings and recommendations of the hearing officer show
40 that the proposed district appears capable of accomplishing the
41 purpose or purposes of the district in an economically feasible
42 manner, a regional district may be established under subsection

- 1 **(b).**
- 2 **(b) A regional district may be established:".**
- 3 Page 4, line 34, delete "Sec. 2." and insert "**Sec. 10.**".
- 4 Page 4, line 35, delete "section 1" and insert "**section 9**".
- 5 Page 4, line 40, delete "Sec. 3." and insert "**Sec. 11.**".
- 6 Page 4, line 42, delete "Sec. 4." and insert "**Sec. 12.**".
- 7 Page 4, line 42, delete "section 1" and insert "**section 9**".
- 8 Page 5, delete lines 12 through 19.
- 9 Page 10, line 8, delete "The officer of the district who is charged
- 10 with the" and insert "**A district may enforce delinquent fees and**
- 11 **penalties in the manner described in IC 13-26-13.**".
- 12 Page 10, delete lines 9 through 42.
- 13 Delete pages 11 through 13.
- 14 Renumber all SECTIONS consecutively.
- (Reference is to SB 225 as introduced.)

and when so amended that said bill do pass .

Committee Vote: Yeas 6, Nays 1.

Senator Gard, Chairperson